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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: TORTURE AND DETENTION

Written statement* submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

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The situation in Burkina Faso

The human rights situation in Burkina Faso has been a cause of concern since December 1998. On 17 April 1997, a case-file was submitted by the Mouvement Burkinabé des droits de l'homme et des peuples (MBDHP) to the African Commission on Human and People's Rights, based in Banjul (the Gambia), accusing the Government of serious human rights violations. The Commission has already instructed Burkina Faso to expedite its handling of crimes committed with impunity. While MBDHP was waiting for this instruction to be implemented by the Government of Burkina Faso, the human rights situation deteriorated abruptly with a series of murders, killings and shootings of children at public demonstrations against impunity. The victims were primary and secondary school pupils and students at higher educational establishments.

Nevertheless, the Fourth Republic took some positive steps in 1998 by signing

The Statute of the International Criminal Court;

The Ottawa Convention on Anti-Personnel Mines;

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (both of which entered into force in New York in 1976).

The authoritarian attitude of the Fourth Republic in Burkina Faso has hardened because different social forces and strata have rejected the slow handling of criminal cases by the judicial system, the continuation of unpunished physical and economic crimes, violations of human rights and academic freedoms, repeated murders and killings and the judicial harassment of human rights workers and the leaders and militants of democratic mass organizations and political parties.

1. Murders and killings make the democratic process meaningless

On 13 December 1998, the journalist Norbert Zongo, known for the outspokenness and pertinence of his work, was murdered with his brother Ernest Zongo and his friends Blaise Ilbodo and Ablassé Nikiéma some 100 kilometres from Ouagadougou.

In his newspaper L'Indépendent, Norbert Zongo had published a weekly exposé of corruption at the highest levels of politics. The most scandalous abuses of power which he revealed included the affair of the Comptoir Burkinabé des métaux précieux ; the allotment and division of land for housing projects; the privatization of State corporations and industrial assets such as the national railway system, the water and electricity supply company and the national airline; and financial transactions between the fibres and textiles company and the oil-producing companies of the national agricultural credit union.

The use of figureheads, attempts to corner capital and shares and trafficking in precious stones and metals (gold, diamonds) are some of the abuses which Norbert Zongo exposed and which led to his untimely death.

David Ouédraogo, the driver of the younger brother of President Blaise Compaoré, was tortured to death on the premises of the Entente Council in Ouagadougou. His accomplices Hamidou Ilboudo and Adam Tiendrebéogo were tortured by being roasted over a fire like chickens. All because of a petty theft committed at the home of François Compaoré. That was sufficient justification for David Ouédraogo to be killed and his two accomplices to be burned and mutilated so badly that they have been left disabled. MBDHP and Norbert Zongo, backed up by Mr. Bénéwendé Sancara, exposed this crime committed by members of the President's bodyguard. One of the reasons for Norbert Zongo's murder was his determination to shed light on the case of David Ouédraogo and others.

The collective leadership of democratic mass organizations and political parties has taken up these cases in an intensified campaign against impunity in Burkina Faso.

2. The murder of Auguste Pépin Ouédraogo and Mamadou Koné and the wounding of three students from Toma

In 1999, Auguste Pépin Ouédraogo was murdered at a gendarmerie in Bobo-Dioulasso, 360 kilometres from Ouagadougou, and Mamadou Koné was murdered at a police station in Banfora, 450 kilometres from the capital.

Both men were abducted from their workplaces by officers of the national gendarmerie. Auguste Pépin Ouédraogo was bound hand and foot and flogged by four gendarmes until, badly injured, he was taken to hospital where he died as a result of the ill-treatment he had received. Mamadou Koné was arrested by the police in his neighbourhood, Banfora and taken to the police station, where he was shot in the back and the back of the neck.

The case of Pépin Ouédraogo will come to court in December 1999 and the perpetrators are likely to receive prison sentences ranging from two to five years. They will also have to pay damages in the region of 60 million CFA francs. No court date has been set for the Madadou Koné case.

On 3 January 1999, during demonstrations throughout the territory of Burkina Faso, three secondary school pupils from Toma were shot and wounded by a police officer who has hitherto escaped all repercussions of his action. Many police officers who have committed crimes continue to work as normal, including those responsible for the deaths of David Ouédraogo and Norbert Zongo. The three secondary school pupils from Toma are now disabled, since bullets grazed their vital organs (spinal cord, coccyx, liver).

3. Judicial harassment of human rights workers and violations of academic freedom

Since the intensification of the campaign against impunity in Burkina Faso following the murders of Norbert Zongo and his companions, the Fourth Republic presided over by Blaise Compaoré has stepped up judicial harassment of human rights workers, particularly militants and leaders of democratic mass organizations and political parties and their sympathizers. These organizations have rallied the population to their cause; in a protest against impunity, over 50,000 people marched peacefully through Ouagadougou on 27 November 1999.

On 13 December 1999, more than 200,000 people took to the streets of Ougadougou to demand greater openness regarding the Sapouy crimes and an end to impunity. Similar marches are being organized nationwide and are attracting many thousands of people.

The Compaoré regime is using the courts to halt these demonstrations and judicially harass human rights militants and members of the collective leadership.

Seizing on an appeal to the national armed forces by the collective leadership, which requested soldiers "not to fire on children any more", prosecutors for the Ouagadougou Regional Court and the National Security Court intend to indict the collective leadership for damaging national security and sowing dissent and insubordination in the army.

If found guilty of these charges, under the provisions of the Penal Code and the Information Code, the following persons could face a minimum of 20 years in prison or, at worst, execution by firing squad:

Halidou Ouédraogo, Chairman of MBDHP and UIDH and Chairman of the collective leadership;

Sagnon Tolé, Secretary-General of the Conféderation Générale du Travail du Burkina, Vice-Chairman of the collective leadership;

Norbert Tiendrébéogo, Vice-Chairman of the collective leadership and Chairman of the Front des Forces Sankaristes;

André Tribri, Chairman of the Union Générale des Etudiants Burkinabé (UGEB), Rapporteur of the collective leadership;

Sankara Bénéwendé, representative of the Union des Jeunes Avocats du Burkina, Rapporteur of the collective leadership ;

Jean-Claude Médah, President of the Burkina Faso Journalists Association, Rapporteur of the collective leadership;

Paulin Yaméogo, editor of San Fina magazine.

Following popular protests and pressure from the international and regional community, the charges have been reduced to inciting demoralization in the army, which is punishable under article 106 of the Penal Code and article 104 of the Information Code by between one and five years in prison. The trial has been set for 27 December 1999.

The collective leadership has endured daily death threats and official harassment. The denunciation of the headquarters agreement between the Government of Burkina Faso and the Inter-African Union for Human Rights on 31 March 1999 is another example of official intransigence.

Generally speaking the following situation applies in Burkina Faso:

Absence of an independent judiciary;

Chronic mishandling of murder and similar crimes and economic crimes;

Serious violations of human rights and academic freedoms;

Dysfunction of core State institutions.

We request the Commission on Human Rights:

1. To appoint a Rapporteur for Burkina Faso who would:

   Closely monitor the development of human rights in the country;

   Help to expedite the resolution of crimes for which the perpetrators have gone unpunished (according to the council of elders, 91 murders and similar crimes and 90 economic crimes);

   Take up the cases of David Ouédraogo, Norbert Zongo and others, in which justice has obviously been obstructed ;

   Request the reversal of judicial decisions against militants and members of the collective leadership of democratic mass organizations and political parties.

2. Report on all aspects of his work to the Commission on Human Rights.

The Government of Burkina Faso will probably say that these matters are being dealt with by the courts, that it respects the independence of the judiciary and that judges are provided with all necessary means to perform their work. These arguments are all bogus because the judiciary in Burkina Faso is not independent. A number of audit reports confirm this fact (such as those of the World Bank, the European Union, judicial officers' occupational groups and a forum).

The Government of Burkina Faso must respect the United Nations treaties and conventions which it has ratified, especially the two covenants which entered into force in New York in 1976.